IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23717 of 2004

Between:

T. Rajaiah, S/o. Venka Goud, Driver
APSRTC, Nizamabad.

..... PETITIONER

AND

1. The Andhra Pradesh State Road Transport Corporation, Rep. by its Regional

Manager, Nizamabad.
2 The Depot Manager-II, APSRTC, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or direction, especially one in the nature of Writ of Mandamus- (i) declare the office order No.E2/430(4)/04-NZB-2 dated 8-4-04 issued by the 2nd respondent as illegal, arbitrary and set aside the same. (ii) Consequently direct the respondents to continue the petitioner as driver or any other suitable post duly protecting his wages w.e.f. 8-4-04.

Counsel for the Petitioner:MR.K.VASUDEVA REDDY

Counsel for the Respondent Nos .1&2: MR.V.T.M.PRASAD (STANDING COUNSELFOR APSRTC)

The Court at the stage of admission, made the following :

ORDER:

This writ petition is filed to issue a writ of Mandamus declaring Office Order No.E2/430(4)/04-NZB-2 dated 8.4.2004 issued by the 2nd respondent as illegal and arbitrary and to consequently direct the respondents to continue the petitioner as driver.

Heard both the counsel.

The petitioner was admittedly found unfit for Class-III A1 cadre employment by proceedings dated 8.4.2004 and was placed on leave with effect from 1.4.2004. Thereafter, the petitioner made a representation to the respondent-Corporation on 19.11.2004 to provide alternative employment or permit him to perform the duties of the shramik, but no orders have been passed. The respondent-Corporation have to take appropriate decision, when an employee is not fit for duties, by providing an alternative employment, keeping in view the provisions of Section 47 of the persons with disablement (Equal opportunity, protection of right, full participate) Act 1995 **(for**

short 'the Act').

Therefore a direction is given to the respondent-Corporation to pass appropriate orders on the representation of the petitioner dated 19.11.2004, duly keeping in view the provisions of Section 47 of the Act and also the Rules and Regulations of the respondent-Corporation.

The writ petition is accordingly disposed of. No order as to costs.

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21.12.2004

NOTE: Office to furnish CC by two days

(B.O)

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To

1. The Regional Manager ,Andhra Pradesh State Road Transport Corporation, , Nizamabad.
2. The Depot Manager-II, APSRTC, Nizamabad.

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